

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	
Orhan Beckman, <i>et al.</i>)	Confirmation No: 2741
Serial No.: 10/051,778)	Group Art Unit: 2625
Filed: January 17, 2002)	Examiner: Lett, Thomas J.
For: Generating A Publication Based On)	Atty. Docket No.: 10016640-1
Ephemeral Interests)	

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents
P.O. Box 1450
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Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed March 3, 2008, responding to the final Office Action mailed November 1, 2007.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 3, 4, 7-9, 12, 13, and 15-44 stand finally rejected. Claims 1, 2, 5, 6, 10, 11, and 14 have been canceled. No claims have been allowed. The rejections of claims 3, 4, 7-9, 12, 13, and 15-44 are appealed.

IV. Status of Amendments

No amendments have been made subsequent to the final office action mailed November 1, 2007. The claims in the attached Claims Appendix (see below) reflect the present state of Applicants' claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 7 describe a method for generating a publication. The method comprises inputting an ephemeral interest into a client (FIG. 1, 103) by scanning a travel itinerary to generate a digital representation of the travel itinerary. Applicants' specification, page 15, lines 29-32. The travel itinerary includes the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication. Applicants' specification, page 10, lines 12-13. The method further comprises requesting the publication based at least in part upon the ephemeral interest from a publication system (FIG. 1, 186), Applicants' specification, page 16, lines 27-30, and printing out the publication received from the publication system (FIG. 1, 186). Applicants' specification, page 17, lines 24-26. The printed publication includes the at least one content item. Applicants' specification, page 17, lines 20-22.

Embodiments according to independent claim 8 describe a method for generating a publication. The method comprises inputting an ephemeral interest into a client by scanning a ticket to an event to generate a digital representation of the ticket. Applicants' specification, page 15, lines 29-32. The ticket includes

the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication. Applicants' specification, page 10, lines 12-13. The method further comprises requesting the publication based at least in part upon the ephemeral interest from a publication system (FIG. 1, 186), Applicants' specification, page 16, lines 27-30, and printing out the publication received from the publication system (FIG. 1, 186). Applicants' specification, page 17, lines 24-26. The printed publication includes the at least one content item. Applicants' specification, page 17, lines 20-22.

Embodiments according to independent claim 9 describe a computer readable medium encoded with a program for causing a computer (FIG. 1, 103) to generate a publication. The program comprises code that inputs an ephemeral interest, Applicants' specification, page 15, lines 29-32 and page 22, lines 11-15, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, Applicants' specification, page 10, lines 12-13, and the ephemeral interest further comprises at least one portion of a travel itinerary. Applicants' specification, page 7, lines 10-13. The program further comprises code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system (FIG. 1, 186), Applicants' specification, page 16, lines 27-30 and page 22, lines 11-15, and code that executes a printing of the publication received from the publication system (FIG. 1, 186). Applicants' specification, page 17, lines 24-26 and page 22, lines 11-15.

The printed publication includes the at least one content item. Applicants' specification, page 17, lines 20-22.

Embodiments according to independent claim 15 describe a computer readable medium encoded with a program for causing a computer to generate a publication. The program comprises code that inputs an ephemeral interest, Applicants' specification, page 15, lines 29-32 and page 22, lines 11-15, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication. Applicants' specification, page 10, lines 12-13. The ephemeral interest further comprises at least one portion of a ticket to an event. Applicants' specification, page 8, lines 7-13. The program further comprises code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system (FIG. 1, 186), wherein the request is to be applied to the publication system. Applicants' specification, page 16, lines 27-30 and page 22, lines 11-15. Such a program also comprises code that executes a printing of the publication received from the publication system. Applicants' specification, page 17, lines 24-26 and page 22, lines 11-15. The printed publication includes the at least one content item. Applicants' specification, page 17, lines 20-22.

Embodiments according to independent claim 16 describe a system for generating a publication. The system comprises means for inputting (FIG. 1, 136) an ephemeral interest, Applicants' specification, page 15, lines 29-32, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication. Applicants' specification, page 10, lines 12-13.

The ephemeral interest comprises at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both. Applicants' specification, page 7, lines 10-13 and page 8, lines 7-13. The system further comprises means for generating (e.g., FIG. 1, 153, 123) a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system, Applicants' specification, page 16, lines 27-30, and means for executing (e.g., FIG. 1, 153, 123, 143) a printing of the publication received from the publication system. Applicants' specification, page 17, lines 24-26. The printed publication includes the at least one content item. Applicants' specification, page 17, lines 20-22.

Embodiments according to independent claim 17 describe a system for generating a publication. The system comprises a processor circuit having a processor (FIG. 1, 123), a memory (FIG. 1, 126), and a point of publication system (FIG. 1, 153) stored in the memory (FIG. 1, 126) and executable by the processor (FIG. 1, 123). The point of publication system (FIG. 1, 153) includes logic that inputs an ephemeral interest, Applicants' specification, page 15, lines 29-32 and page 22, lines 11-15, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication. Applicants' specification, page 10, lines 12-13. The ephemeral interest comprises at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both. Applicants' specification, page 7, lines 10-13 and page 8, lines 7-13. The point of publication system further includes logic that generates a request for the publication based at least in part upon the ephemeral interest from a publication

system, wherein the request is to be applied to the publication system, Applicants' specification, page 16, lines 27-30 and page 22, lines 11-15, and logic that executes a printing of the publication received from the publication system. Applicants' specification, page 17, lines 24-26 and page 22, lines 11-15. The printed publication includes the at least one content item. Applicants' specification, page 17, lines 20-22.

Embodiments according to independent claim 20 describe a method for generating a publication. The method comprises identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest. Applicants' specification, page 10, lines 12-13 and page 15, lines 29-32. The ephemeral interest comprises at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both. Applicants' specification, page 7, lines 10-13. The method further comprises formatting the publication for printing by a client, Applicants' specification, page 17, lines 20-22, and transmitting the publication to the client for printing. Applicants' specification, page 17, lines 24-26.

Embodiments according to independent claim 29 describe a computer readable medium encoded with a program for causing a computer to generate a publication. The program comprises code that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest. Applicants' specification, page 10, lines 12-13, page 15, lines 29-32, and page 22, lines 11-15. The ephemeral interest comprises at least a portion of a travel itinerary, at

least a portion of a ticket to an event, or both. Applicants' specification, page 7, lines 10-13. The program further comprises code that formats the publication for printing by a client, Applicants' specification, page 17, lines 20-22 and page 22, lines 11-15, and code that transmits the publication to the client for printing. Applicants' specification, page 17, lines 24-26 and page 22, lines 11-15.

Embodiments according to independent claim 35 describe a system for generating a publication. The system comprises means for identifying (e.g., FIG. 1, 186) a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest. Applicants' specification, page 10, lines 12-13 and page 15, lines 29-32. The ephemeral interest comprises at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both. Applicants' specification, page 7, lines 10-13. The system further comprises means for formatting (FIG. 1, 189) the publication for printing by a client (FIG. 1, 103), Applicants' specification, page 17, lines 20-22, and means for transmitting (e.g., FIG. 1, 106) the publication to the client (FIG. 1, 103) for printing. Applicants' specification, page 17, lines 24-26.

Embodiments according to independent claim 36 describe a system for generating a publication. The system comprises a processor circuit having a processor (FIG. 1, 173) and a memory (FIG. 1, 176). The system further comprises a publication system (FIG. 1, 186) stored in the memory (FIG. 1, 176) and executable by the processor (FIG. 1, 173). Applicants' specification, page 4, lines 3-23. The publication system (FIG. 1, 186) includes logic that identifies a

number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest. Applicants' specification, page 10, lines 12-13, page 15, lines 29-32, and page 22, lines 11-15. The ephemeral interest comprises at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both. Applicants' specification, page 7, lines 10-13. The publication system (FIG. 1, 186) further includes logic that formats the publication for printing by a client (FIG. 1, 103), Applicants' specification, page 17, lines 20-22 and page 22, lines 11-15, and logic that transmits the publication to the client (FIG. 1, 103) for printing. Applicants' specification, page 17, lines 24-26 and page 22, lines 11-15.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejections are to be reviewed on appeal:

Claims 3, 4, 7-9, 12, 13, and 15-44 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *DeLorme* (U.S. Patent No. 5,948,040).

VII. Arguments

Claims 3, 4, 7-9, 12, 13, and 15-44 been rejected under 35 U.S.C. § 102(b). Applicants respectfully traverse this rejection.

A. The DeLorme Reference

DeLorme describes a travel reservation information and planning system where “[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan.” See abstract. As part of the planning process, *DeLorme* describes that a user inquires “in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C. Often using the map display interface at 152, ordinary TRIPS user travel planning sessions are regularly started relative to the WHERE? input menu 155, for example, searching for places to go--i.e. searching in the Geographic Subsystem, shown at 221 in FIG. 2 and 417 in FIG. 4, to find points of interest (POIs) to include as possible destinations in a trial or final TRIPS travel plan. Next, prompted by common-sense logic or everyday thought patterns for recreational, family or business travel planning, many TRIPS users will turn to the WHAT/WHO? menu to further investigate topical features of their possible travel destinations which they just located and selected using the WHERE? main input menu at 155 in FIG. 1C.” Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries.

B. Applicants' Claims 7, 37, and 39-41

As provided in independent claim 7, Applicants claim:

A method for generating a publication, comprising:
inputting an ephemeral interest into a client by scanning a travel itinerary to generate a digital representation of the travel itinerary, the travel itinerary including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication;
requesting the publication based at least in part upon the ephemeral interest from a publication system; and
printing out the publication received from the publication system, the publication including the at least one content item.

(Emphasis added).

Applicants respectfully submit that independent claim 7 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "inputting an ephemeral interest into a client by scanning a travel itinerary to generate a digital representation of the travel itinerary, the travel itinerary including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication" or "requesting the publication based at least in part upon the ephemeral interest from a publication system," as emphasized above.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C. Often using the map display interface at 152,

ordinary TRIPS user travel planning sessions are regularly started relative to the WHERE? input menu 155, for example, searching for places to go--i.e. searching in the Geographic Subsystem, shown at 221 in FIG. 2 and 417 in FIG. 4, to find points of interest (POIs) to include as possible destinations in a trial or final TRIPS travel plan. Next, prompted by common-sense logic or everyday thought patterns for recreational, family or business travel planning, many TRIPS users will turn to the WHAT/WHO? menu to further investigate topical features of their possible travel destinations which they just located and selected using the WHERE? main input menu at 155 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes "inputting an ephemeral interest into a client by scanning a travel itinerary," as recited in claim 7. Further, unlike *DeLorme*, a content item for a publication is identified using the travel itinerary and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Page 2. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned

information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

First, *DeLorme* does not disclose that scanned information can be used as a basis for selecting content or options within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See page 2. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Accordingly, *DeLorme* also does not disclose that a publication is requested from a publication system based upon the ephemeral interest identified in the scanned document. Therefore, *DeLorme* fails to teach or suggest at least "inputting an ephemeral interest into a client by scanning a travel itinerary to generate a digital representation of the travel itinerary, the travel itinerary including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication" or "requesting the publication based at least in part upon the ephemeral interest

from a publication system," as recited in claim 7. As a result, claim 7 is not anticipated by *DeLorme*, and the rejection should be overturned.

The Advisory Action mailed February 1, 2008 states that *DeLorme* "clearly discloses coding/encoding/barcoding included in a map/ticket document that can be read by a reader. The coding/barcoding/encoding clearly include temporal interests (col. 8, lines 49-65) that can be read at the reader input (col. 14, lines 62-65) of the TRIPS station of figure 1A. Any of the coding/barcoding/coding information that is read by the reader can be used as input to create a publication 109 for printing at printer 121. Again, since the information from the map/ticket can be read by the reader, the information can be used by a user to create a publication. The claims are anticipated." Page 2.

In response, Applicants note that *DeLorme* describes that a scanning device at a ticket entry point may be used to gain entry to a show, flight, car, *etc.* See col. 8, lines 49-65. The scanning device is not disclosed to be used to produce or generate a publication based at least in part upon an ephemeral interest from a travel itinerary. For at least this reason, claim 7 is not anticipated by *DeLorme*.

Since claims 37 and 39-41 depend from claim 7 and recite additional features, claims 37 and 39-41 are allowable as a matter of law over the cited art of record.

B. Applicants' Claims 3-4, 8, 38, and 42-44

As provided in independent claim 8, Applicants claim:

A method for generating a publication, comprising:
inputting an ephemeral interest into a client by scanning a ticket to an event to generate a digital representation of the ticket, the ticket including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication;
requesting the publication based at least in part upon the ephemeral interest from a publication system; and
printing out the publication received from the publication system, the publication including the at least one content item.

(Emphasis added).

Applicants respectfully submit that independent claim 8 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "inputting an ephemeral interest into a client by scanning a ticket to an event to generate a digital representation of the ticket, the ticket including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication" or "requesting the publication based at least in part upon the ephemeral interest from a publication system," as emphasized above.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at

155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes "inputting an ephemeral interest into a client by scanning a ticket to an event," as recited in claim 8. Further, unlike *DeLorme*, a content item for a publication is identified using the ticket and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Pages 2-3. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

First, *DeLorme* does not disclose that scanned information can be used as a basis for selecting content or options within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not

supported by the *DeLorme* disclosure. See pages 2-3. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Accordingly, *DeLorme* also does not disclose that a publication is requested from a publication system based upon the ephemeral interest identified in the scanned document. Therefore, *DeLorme* fails to teach or suggest at least "inputting an ephemeral interest into a client by scanning a ticket to an event to generate a digital representation of the ticket, the ticket including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication" or "requesting the publication based at least in part upon the ephemeral interest from a publication system," as recited in claim 8. As a result, claim 8 is not anticipated by *DeLorme*, and the rejection should be overturned.

In response, Applicants note that *DeLorme* describes that a scanning device at a ticket entry point may be used to gain entry to a show, flight, car, *etc.* See col. 8, lines 49-65. The scanning device is not disclosed to be used to produce or generate a publication based at least in part upon an ephemeral interest from a ticket. For at least this reason, claim 8 is not anticipated by *DeLorme*.

Since claims 3-4, 38, and 42-44 depend from claim 8 and recite additional features, claims 3-4, 38, and 42-44 are allowable as a matter of law over the cited art of record.

D. Applicants' Claims 9 and 12-13

As provided in independent claim 9, Applicants claim:

A computer readable medium encoded with a program for causing a computer to generate a publication, the program comprising:

code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary;

code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

code that executes a printing of the publication received from the publication system, the publication including the at least one content item.

(Emphasis added).

Applicants respectfully submit that independent claim 9 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary" or "code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system," as emphasized above.

Rather, *DeLorme* describes a travel reservation information and planning system where “[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan.” See abstract. As part of the planning process, *DeLorme* describes that a user inquires “in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C.” Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes inputting an ephemeral interest into a client from a portion of a travel itinerary, as recited in claim 9. Further, unlike *DeLorme*, a content item for a publication is identified using the travel itinerary and not a user’s answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by “using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, “TRIPS” workstation 105 shown in figure 1.” Pages 3-4. The Office Action further states that “[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that ‘includes related attractions, events, or seasonal activities confined exclusively to ‘their’

accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

First, *DeLorme* does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See pages 3-4. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Accordingly, *DeLorme* also does not disclose that a publication is requested from a publication system based upon the ephemeral interest identified in the scanned document. Therefore, *DeLorme* fails to teach or suggest at least "code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a

travel itinerary” or “code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system,” as recited in claim 9. As a result, claim 9 is not anticipated by *DeLorme*, and the rejection should be overturned.

In response, Applicants note that *DeLorme* describes that a scanning device at a ticket entry point may be used to gain entry to a show, flight, car, *etc.* See col. 8, lines 49-65. The scanning device is not disclosed to be used to produce or generate a publication based at least in part upon an ephemeral interest from a travel itinerary. For at least this reason, claim 9 is not anticipated by *DeLorme*.

Since claims 12-13 depend from claim 9 and recite additional features, claims 12-13 are allowable as a matter of law over the cited art of record.

E. Applicants' Claim 15

As provided in independent claim 15, Applicants claim:

A computer readable medium encoded with a program for causing a computer to generate a publication, the program comprising:

code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, wherein the ephemeral interest further comprises at least one portion of a ticket to an event;

code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

code that executes a printing of the publication received from the publication system, the publication including the at least one content item.

(Emphasis added).

Applicants respectfully submit that independent claim 15 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, wherein the ephemeral interest further comprises at least one portion of a ticket to an event" or "code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system," as emphasized above.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes inputting an ephemeral interest into a client from a portion of a ticket to an event, as recited in claim 15. Further, unlike *DeLorme*, a content item for a publication is identified using the ticket and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary

(ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Pages 3-4. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

First, *DeLorme* does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See pages 3-4. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned

version of the itinerary and would not aid in producing a publication in the manner claimed.

Accordingly, *DeLorme* also does not disclose that a publication is requested from a publication system based upon the ephemeral interest identified in the scanned document. Therefore, *DeLorme* fails to teach or suggest at least "code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, wherein the ephemeral interest further comprises at least one portion of a ticket to an event" or "code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system," as recited in claim 15. As a result, claim 15 is not anticipated by *DeLorme*, and the rejection should be withdrawn.

F. Applicants' Claim 16

A system for generating a publication, comprising:

means for inputting an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

means for generating a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

means for executing a printing of the publication received from the publication system, the publication including the at least one content item.

(Emphasis added).

Applicants respectfully submit that independent claim 16 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "means for inputting an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both" or "means for generating a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system," as emphasized above.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes inputting an ephemeral interest into a client from a portion of a travel itinerary and/or a ticket to an event, as recited in claim 16. Further, unlike *DeLorme*, a content item for a publication is identified using the travel itinerary and/or ticket and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Page 4. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

First, *DeLorme* does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See page 4. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a

content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Accordingly, *DeLorme* also does not disclose that a publication is requested from a publication system based upon the ephemeral interest identified in the scanned document. Therefore, *DeLorme* fails to teach or suggest at least “means for inputting an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both” or “means for generating a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system,” as recited in claim 16. As a result, claim 16 is not anticipated by *DeLorme*, and the rejection should be overturned.

G. Applicants' Claims 17-19

As provided in independent claim 17, Applicants claim:

A system for generating a publication, comprising:
a processor circuit having a processor and a memory;
a point of publication system stored in the memory and executable by the processor, the point of publication system including:
logic that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

logic that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

logic that executes a printing of the publication received from the publication system, the publication including the at least one content item.

(Emphasis added).

Applicants respectfully submit that independent claim 17 is allowable for at least the reason that *Delorme* does not disclose, teach, or suggest at least "logic that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both" or "logic that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system," as emphasized above.

Rather, *Delorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *Delorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *Delorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes inputting an

ephemeral interest into a client from a portion of a travel itinerary and/or ticket to an event, as recited in claim 17. Further, unlike *DeLorme*, a content item for a publication is identified using the travel itinerary and/or ticket and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by DeLorme by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Page 5. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

First, *DeLorme* does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office

Action statements such as “[a]n input into the TRIPS workstation can be achieved by a scanned document” are not supported by the *DeLorme* disclosure. See page 5. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Accordingly, *DeLorme* also does not disclose that a publication is requested from a publication system based upon the ephemeral interest identified in the scanned document. Therefore, *DeLorme* fails to teach or suggest at least “logic that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both” or “logic that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system,” as recited in claim 17. As a result, claim 17 is not anticipated by *DeLorme*, and the rejection should be withdrawn.

In response, Applicants note that *DeLorme* describes that a scanning device at a ticket entry point may be used to gain entry to a show, flight, car, *etc.* See col. 8, lines 49-65. The scanning device is not disclosed to be used to produce or generate a publication based at least in part upon an ephemeral interest from a

travel itinerary or ticket. For at least this reason, claim 17 is not anticipated by *DeLorme*.

Since claims 18-19 depend from claim 17 and recite additional features, claims 18-19 are allowable as a matter of law over the cited art of record.

H. Applicants' Claims 20-28

As provided in independent claim 20, Applicants claim:

A method for generating a publication, comprising:
identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;
formatting the publication for printing by a client; and
transmitting the publication to the client for printing.

(Emphasis added).

Applicants respectfully submit that independent claim 20 is allowable for at least the reason that *Delorme* does not disclose, teach, or suggest at least "identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both," as emphasized above.

Rather, *Delorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to

achieve a satisfactory travel plan." See abstract. As part of the planning process, *Delorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *Delorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes identifying content items from a portion of a travel itinerary, a portion of a ticket to an event, or both. Accordingly, unlike *Delorme*, a content item for a publication is identified using a travel itinerary and/or ticket to an event and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by DeLorme by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Pages 5-6. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

DeLorme does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as “[a]n input into the TRIPS workstation can be achieved by a scanned document” are not supported by the *DeLorme* disclosure. See pages 5-6. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Therefore, *Delorme* fails to teach or suggest at least “identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both,” as recited in claim 20. As a result, claim 20 is not anticipated by *Delorme*, and the rejection should be overturned.

In response, Applicants note that *DeLorme* describes that a scanning device at a ticket entry point may be used to gain entry to a show, flight, car, *etc.* See col.

8, lines 49-65. The scanning device is not disclosed to be used to produce or generate a publication based at least in part upon an ephemeral interest from a travel itinerary or ticket. For at least this reason, claim 20 is not anticipated by *DeLorme*.

Since claims 21-28 depend from claim 20 and recite additional features, claims 21-28 are allowable as a matter of law over the cited art of record.

I. Applicants' Claims 29-34

As provided in independent claim 29, Applicants claim:

A computer readable medium encoded with a program for causing a computer to generate a publication, the program comprising:

code that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

code that formats the publication for printing by a client; and
code that transmits the publication to the client for printing.

(Emphasis added).

Applicants respectfully submit that independent claim 29 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "code that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both," as recited and emphasized above in claim 29.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes identifying content items from a portion of a travel itinerary, a portion of a ticket to an event, or both. Accordingly, unlike *DeLorme*, a content item for a publication is identified using a travel itinerary and/or ticket to an event and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Pages 5-6. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes

related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

DeLorme does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See pages 5-6. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Therefore, *DeLorme* fails to teach or suggest at least "code that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both," as recited in claim 29.

As a result, claim 29 is not anticipated by *DeLorme*, and the rejection should be overturned.

In response, Applicants note that *DeLorme* describes that a scanning device at a ticket entry point may be used to gain entry to a show, flight, car, *etc.* See col. 8, lines 49-65. The scanning device is not disclosed to be used to produce or generate a publication based at least in part upon an ephemeral interest from a travel itinerary or ticket. For at least this reason, claim 29 is not anticipated by *DeLorme*.

Since claims 30-34 depend from claim 29 and recite additional features, claims 30-34 are allowable as a matter of law over the cited art of record.

J. Applicants' Claim 35

As provided in independent claim 35, Applicants claim:

A system for generating a publication, comprising:
means for identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

means for formatting the publication for printing by a client;
and

means for transmitting the publication to the client for printing.

(Emphasis added).

Applicants respectfully submit that independent claim 35 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least "means for identifying a number of content items to be included in the publication,

wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both," as emphasized above.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes identifying content items from a portion of a travel itinerary, a portion of a ticket to an event, or both. Accordingly, unlike *DeLorme*, a content item for a publication is identified using a travel itinerary and/or ticket to an event and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or

stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Pages 6-7. The Office Action further states that "[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

DeLorme does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See pages 6-7. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Therefore, *DeLorme* fails to teach or suggest at least “means for identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both,” as recited in claim 35. As a result, claim 35 is not anticipated by *DeLorme*, and the rejection should be overturned.

K. Applicants' Claim 36

As provided in independent claim 36, Applicants claim:

A system for generating a publication, comprising:
a processor circuit having a processor and a memory;
a publication system stored in the memory and executable
by the processor, the publication system including:
***logic that identifies a number of content items to
be included in the publication, wherein at least some of
the content items convey information associated with an
ephemeral interest, and the ephemeral interest
comprising: at least a portion of a travel itinerary, at
least a portion of a ticket to an event, or both;***
logic that formats the publication for printing by a
client; and
logic that transmits the publication to the client for
printing.

(Emphasis added).

Applicants respectfully submit that independent claim 36 is allowable for at least the reason that *DeLorme* does not disclose, teach, or suggest at least “logic that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a

travel itinerary, at least a portion of a ticket to an event, or both," as recited and emphasized above in claim 36.

Rather, *DeLorme* describes a travel reservation information and planning system where "[u]sers engage in an iterative planning process, revising or editing travel plans, previewing travelogs of alternate routes, selecting point of interest parameters, comparing times and costs of transportation options, in order to achieve a satisfactory travel plan." See abstract. As part of the planning process, *DeLorme* describes that a user inquires "in any one of the four input menus at 155, 157, 161 and 163 in FIG. 1C." Col. 23, lines 15-29. As such, *DeLorme* teaches a planning session where a user is provided information in response to user inquiries. In contrast, the claimed subject matter describes identifying content items from a portion of a travel itinerary, a portion of a ticket to an event, or both. Accordingly, unlike *DeLorme*, a content item for a publication is identified using a travel itinerary and/or ticket to an event and not a user's answer to an inquiry.

The final Office Action mailed November 1, 2007 states that the above remarks are not persuasive in view that the claimed method may allegedly be achieved by *DeLorme* by "using a scanner or reader, to scan a travel itinerary (ephemeral interest), travel guide (ephemeral interest), travel map (ephemeral interest), travel ticket (ephemeral interest), etc., into the scanner and creating a representation of the travel data which can be shown on the monitor 115 or stored in memory of the Travel Reservation and Information System, "TRIPS" workstation 105 shown in figure 1." Page 7. The Office Action further states that

"[w]hen the user creates the document for printout as a publication, any scanned information can be included as a publication document that 'includes related attractions, events, or seasonal activities confined exclusively to 'their' accommodations or local venue', col. 13, lines 65-67." Applicants respectfully disagree for at least the following reason(s).

DeLorme does not disclose that scanned information, such as a portion of a travel itinerary, can be used as a basis for selecting content or options that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary within the travel itinerary process described in the patent. Therefore, Office Action statements such as "[a]n input into the TRIPS workstation can be achieved by a scanned document" are not supported by the *DeLorme* disclosure. See page 7. Accordingly, *DeLorme* does not disclose that ephemeral interests can be identified from a scanned document such that it may be used to identify a content item to be included in a publication or to be used to request a publication in the manner claimed. In accordance with the teachings of *DeLorme*, the scanning of a travel itinerary would solely lead to a scanned version of the itinerary and would not aid in producing a publication in the manner claimed.

Therefore, *DeLorme* fails to teach or suggest at least "logic that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel

itinerary, at least a portion of a ticket to an event, or both," as recited in claim 36. As a result, claim 36 is not anticipated by *DeLorme*, and the rejection should be overturned.

VIII. Conclusion

In summary, it is Applicants' position that Applicants' claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicants' pending claims.

Respectfully submitted,

By:


Charles W. Griggs
Registration No. 47,283

Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. Canceled

2. Canceled

3. The method of claim 8, wherein the inputting of the ephemeral interest into the client further comprises:

inputting an ephemeral interest reference into the client; and

obtaining the ephemeral interest from a reference mapper based upon the ephemeral interest reference.

4. The method of claim 8, further comprising inputting a relative weight of the ephemeral interest into the client, the relative weight indicating a proportionality to be afforded to the ephemeral interest relative to an enduring interest in identifying the at least one content item to be included in the publication.

5. Canceled

6. Canceled

7. A method for generating a publication, comprising:

inputting an ephemeral interest into a client by scanning a travel itinerary to generate a digital representation of the travel itinerary, the travel itinerary including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication;

requesting the publication based at least in part upon the ephemeral interest from a publication system; and

printing out the publication received from the publication system, the publication including the at least one content item.

8. A method for generating a publication, comprising:

inputting an ephemeral interest into a client by scanning a ticket to an event to generate a digital representation of the ticket, the ticket including the ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication;

requesting the publication based at least in part upon the ephemeral interest from a publication system; and

printing out the publication received from the publication system, the publication including the at least one content item.

9. A computer readable medium encoded with a program for causing a computer to generate a publication, the program comprising:

code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest further comprises at least one portion of a travel itinerary;

code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

code that executes a printing of the publication received from the publication system, the publication including the at least one content item.

10. Canceled

11. Canceled

12. The program stored on a computer readable medium of claim 9, further comprising code that inputs a relative weight of the ephemeral interest into the client, the relative weight indicating a proportionality to be afforded to the ephemeral interest relative to an enduring interest in identifying the at least one content item to be included in the publication.

13. The program stored on a computer readable medium of claim 9, wherein the code that inputs the ephemeral interest further comprises code that parses an amount of data in a digital representation of a scanned document to identify the ephemeral interest included therein.

14. Canceled

15. A computer readable medium encoded with a program for causing a computer to generate a publication, the program comprising:

code that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, wherein the ephemeral interest further comprises at least one portion of a ticket to an event;

code that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

code that executes a printing of the publication received from the publication system, the publication including the at least one content item.

16. A system for generating a publication, comprising:

means for inputting an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

means for generating a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

means for executing a printing of the publication received from the publication system, the publication including the at least one content item.

17. A system for generating a publication, comprising:

a processor circuit having a processor and a memory;

a point of publication system stored in the memory and executable by the processor, the point of publication system including:

logic that inputs an ephemeral interest, wherein the ephemeral interest is of use in identifying at least one content item to be included in the publication, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

logic that generates a request for the publication based at least in part upon the ephemeral interest from a publication system, wherein the request is to be applied to the publication system; and

logic that executes a printing of the publication received from the publication system, the publication including the at least one content item.

18. The system of claim 17, wherein the logic that inputs the ephemeral interest further comprises logic that parses an amount of data in a digital representation of a scanned document to identify the ephemeral interest included therein.

19. The system of claim 17, further comprising logic that inputs a relative weight of the ephemeral interest into the client, the relative weight indicating a proportionality to be afforded to the ephemeral interest relative to an enduring interest in identifying the at least one content item to be included in the publication.

20. A method for generating a publication, comprising:

identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

formatting the publication for printing by a client; and

transmitting the publication to the client for printing.

21. The method of claim 20, wherein the identifying of the number of content items to be included in the publication further comprises performing a search among a number of potential content items for the content items that convey the information associated with the ephemeral interest.

22. The method of claim 20, further comprising maintaining a user profile that includes an enduring interest associated with a user.

23. The method of claim 22, wherein the identifying of the number of content items to be included in the publication further comprises performing a search among a number of potential content items for the content items that convey information associated with both the ephemeral interest and the enduring interest.

24. The method of claim 22, wherein the identifying of the number of content items for the publication further comprises:

performing a first search for a number of ephemeral content items conveying information associated with the ephemeral interest; and

performing a second search for a number of enduring content items conveying information associated with the enduring interest.

25. The method of claim 24, wherein the identifying of the number of content items for the publication further comprises identifying a first number of the ephemeral content items and a second number of enduring content items for inclusion in the publication based upon a relative weight established between the ephemeral and the enduring interests.

26. The method of claim 20, further comprising maintaining a user profile that includes a number of source ratings associated with a corresponding number of content item sources.

27. The method of claim 26, further comprising adding a new one of the source ratings to the user profile based upon a content item feedback received from a client.

28. The method of claim 26, further comprising determining whether a content item is to be excluded from the publication based upon a content item source rating associated with the content item.

29. A computer readable medium encoded with a program for causing a computer to generate a publication, the program comprising:

code that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

code that formats the publication for printing by a client; and

code that transmits the publication to the client for printing.

30. The program embodied in a computer readable medium of claim 29, wherein the code that identifies the number of content items to be included in the publication further comprises code that performs a search among a number of potential content items for the content items that convey the information associated with the ephemeral interest.

31. The program embodied in a computer readable medium of claim 29, further comprising code that maintains a user profile that includes an enduring interest associated with a user.

32. The program embodied in a computer readable medium of claim 31, wherein the code that identifies the number of content items to be included in the publication further comprises code that performs a search among a number of potential content items for the content items that convey the information associated with both the ephemeral interest and the enduring interest.

33. The program embodied in a computer readable medium of claim 29, further comprising code that adds a source rating to a user profile based upon a content item feedback received from a client.

34. The program embodied in a computer readable medium of claim 33, further comprising code that determines whether a content item is to be excluded from the publication based upon a respective one of a number of source ratings that is associated with the content item.

35. A system for generating a publication, comprising:
means for identifying a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

means for formatting the publication for printing by a client; and

means for transmitting the publication to the client for printing.

36. A system for generating a publication, comprising:
a processor circuit having a processor and a memory;
a publication system stored in the memory and executable by the processor, the publication system including:

logic that identifies a number of content items to be included in the publication, wherein at least some of the content items convey information associated with an ephemeral interest, and the ephemeral interest comprising: at least a portion of a travel itinerary, at least a portion of a ticket to an event, or both;

logic that formats the publication for printing by a client; and

logic that transmits the publication to the client for printing.

37. The method of claim 7, further comprising inputting a user identifier into the client.

38. The method of claim 8, further comprising inputting a user identifier into the client.

39. The method of claim 7, further comprising maintaining a user profile that includes a number of source ratings associated with a corresponding number of content item sources.

40. The method of claim 39, further comprising adding a new one of the source ratings to the user profile based upon a content item feedback received from a client.

41. The method of claim 39, further comprising determining whether a content item is to be excluded from the publication based upon a content item source rating associated with the content item.

42. The method of claim 8, further comprising maintaining a user profile that includes a number of source ratings associated with a corresponding number of content item sources.

43. The method of claim 42, further comprising adding a new one of the source ratings to the user profile based upon a content item feedback received from a client.

44. The method of claim 42, further comprising determining whether a content item is to be excluded from the publication based upon a content item source rating associated with the content item.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal.

Therefore, no such proceedings are identified in this Appendix.